

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

(1) WILMER AVILA-GAMEZ, and
(2) ANGELICA ANDRADE-ARENAL,
Defendant.

CASE NO. CR20-128 RSM

ORDER

THIS COURT having considered the motion of the United States for a continuance of the trial date and the facts set forth therein, defense objections and the government's reply, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 15-20 and 18-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, and the facts set forth in the government's motion, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants, it is not possible at this time to proceed with a jury trial as scheduled on February 15, 2021.
2. Further, because of the recommendations that individuals at higher risk of contracting this disease—including individuals with underlying health conditions, individuals age 60 and older, and individuals who are

pregnant—avoid large groups of people, at this time, it would be difficult, if not impossible, to get a jury pool that would represent a fair cross section of the community. Based on the recommendations it would also be medically inadvisable to do so.

3. As a result, the failure to grant a continuance of the trial date in this case would likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant to a speedy trial.

IT IS THEREFORE ORDERED that the current trial date of February 15, 2021 is STRICKEN.

IT IS FURTHER ORDERED the pre-trial motions deadlines set forth in the Order dated November 16, 2020 (Dkt. 42) are STRICKEN.

IT IS FURTHER ORDERED that jury trial in this matter is set for April 26, 2021, at 9:00 AM.

IT IS FURTHER ORDERED that the time from the date of the entry this Order and the trial date set forth above shall be excludable time pursuant to 18 U.S.C. § 3161.

IT IS FURTHER ORDERED that within one week of the issuance of this Order, the parties are directed to file a new stipulated pre-trial motions order, setting forth proposed pre-trial motions deadlines consistent with the times set forth in the current pre-trial motions order (Dkt. 42) and the newly designated trial date.

Dated this 19th day of January, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/ Stephen Hobbs

STEPHEN HOBBS

Assistant United States Attorney